



Foreign, Commonwealth
& Development Office

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Tom Tugendhat
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Dear Tom,

I was pleased to be able to give evidence to the Committee on 27th April. As agreed, I am writing to provide further information on two issues raised during the session.

Q292. Huawei recruitment of former civil servants

Stewart Malcolm McDonald asked for more information about government policy regarding former government crown servants working for companies such as Huawei.

The Business Appointment Rules apply to Ministers and civil servants, including special advisers. These are applied by virtue of the Ministerial Code, the Civil Service Management Code and contracts of employment respectively. The Rules set out the conditions on which the acceptance of outside appointments and employment following Crown Service can be taken up and where advice must be sought. For the most senior of roles, the Rules apply for two years following the last day of Crown Service. In addition, all Crown Servants owe an ongoing duty of confidentiality to the Crown concerning information that they have gained while engaged. Where it is necessary for advice to be sought, either from the department or from the Advisory Committee on Business Appointments, they may impose conditions on the taking up of an outside appointment or employment, such as a waiting period, restrictions on lobbying HMG or other forms of engagement. The Committee will seek input from former departments. This advice is set out in public. This regime exists within the general legal framework of employment law and avoids any unreasonable restraint of trade.

I would like to take this opportunity to assure the Committee that this Government has taken concrete steps to ensure confidence in the security and resilience of the infrastructure upon which our networks are built. This is why in July 2020, following further US sanctions, we took the decision to set out a solid path to the complete removal of Huawei equipment from our 5G network by 2027. The Telecommunications (Security) Bill, currently at Commons Report stage, will place these decisions on statutory footing, with new national security powers for the Secretary of State for Digital, Culture, Media and Sport to manage the risks posed by high risk vendors.

Q328. Patents of Covid-19 Vaccines

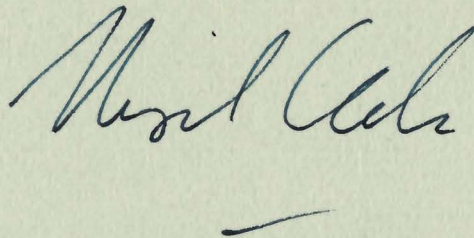
You asked me whether lifting patents would allow for a greater increase in the production of vaccines. While the relationship between intellectual property (IP) and health continues to be the subject of debate, the UK believes that the IP framework can support innovators to create and commercialise new inventions while enabling equitable access to innovative medical products. A waiver of the TRIPS Agreement, the World Trade Organisation's (WTO) agreement on trade-related intellectual property rights, would risk undermining this framework's ability to respond to current, and potentially future, crises.

Based on current evidence, the UK position is that a waiver would not be an effective option for WTO Members to address the multiple factors on which access to medicines depends. It is currently unclear on a product-by-product basis where the current IP framework is preventing access. It also remains unclear how the proposed waiver could operate effectively in practice. The United Kingdom remains committed to the Doha Declaration on Public Health and the TRIPS Agreement, and we have agreed flexibilities that support access to medicines. TRIPS flexibilities are particularly useful for WTO members who do not have the domestic manufacturing capacity to produce medicines and vaccines in their own country. We support the use of compulsory licences by countries where necessary and alternative avenues for redress have been consulted.

Concerns also remain on non-IP issues – such as domestic capabilities of individual countries. It fails to provide solutions for considerations ranging from regulatory approval, training and domestic surveillance, which are essential to ensure effective use of the vaccine. These issues fall outside the scope of the TRIPS Agreement and the proposal being discussed within the TRIPS Council. Exploring these questions is essential for considering a way forward.

The existing intellectual property framework is facilitating the entry of new vaccine candidates by supporting innovation and promoting competition. The UK will continue to engage constructively in discussions at the WTO TRIPS Council by remaining committed to evidence-based discussions and solution-orientated thinking.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Nigel Adams', with a horizontal line underneath.

Nigel Adams MP
Minister of State for Asia